

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

EAST PENDLETON WATER DISTRICT )  
AND )  
PENDLETON COUNTY WATER DISTRICT )  
\_\_\_\_\_)  
ALLEGED VIOLATION OF KRS 278.020(1) )

CASE NO.  
94-271

O R D E R

On May 2, 1994, a joint application requesting a Certificate of Public Convenience and Necessity was filed with the Commission by Pendleton County Fiscal Court, East Pendleton Water District ("East Pendleton"), and Pendleton County Water District ("Pendleton County").<sup>1</sup> The proposal included constructing approximately thirty miles of line and two tanks.

In June 1994, Commission Staff was informed by a representative of PDR Engineers, Inc., the applicants' engineer responsible for filing the application, that the construction of the proposal was virtually complete. All thirty miles of the water line had been installed. As the Commission will not issue a Certificate of Public Convenience and Necessity approving a project that has been completed or is virtually completed, the case was dismissed on June 28, 1994.

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<sup>1</sup> Case No. 94-172, A Joint Application of Pendleton County Fiscal Court, East Pendleton Water District and Pendleton County Water District for a Certificate of Convenience and Necessity.

East Pendleton and Pendleton County are utilities under the jurisdiction of the Commission. KRS Chapter 74; KRS 278.010. Utilities are required to obtain prior Commission approval before constructing any facility under the provisions of KRS 278.020(1). Neither East Pendleton nor Pendleton County obtained prior Commission approval before the water line was constructed and installed. East Pendleton and Pendleton County appear to have violated the provisions of KRS 278.020 when they failed to obtain Commission approval prior to construction.

The Commission, on its own motion, HEREBY ORDERS that:

1. East Pendleton and Pendleton County shall appear before the Commission on August 16, 1994, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of KRS 278.020(1) and of showing cause why they should not be subject to the penalties prescribed in KRS 278.990(1) for the alleged violation.

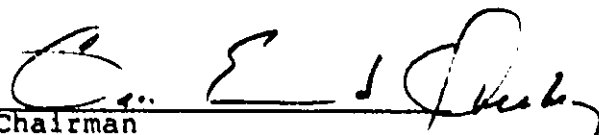
2. East Pendleton and Pendleton County shall submit to the Commission, within 20 days from the date of this Order, a written response to the allegations.

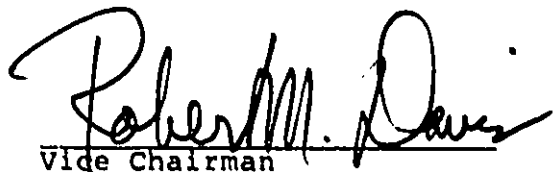
3. Any motion requesting any informal conference with Commission Staff to consider any matter which would aid in the

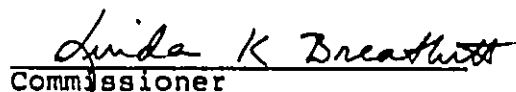
handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 22nd day of July, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director